

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 4:06 CR 465
)	
Plaintiff,)	
)	
vs.)	Judge Peter C. Economus
)	
CORNELL L. KENNEDY,)	
)	
Defendant.)	<u>ORDER</u>

On March 7, 2007, the Defendant, Cornell Kennedy, was sentenced to thirty-seven (37) months imprisonment, followed by three (3) years of supervised release, for Felon in Possession of Firearm, a Class C Felony. His supervised release commenced on February 2, 2009.

On or about May 29, 2009, the U.S. Pretrial Services and Probation Office submitted a violation report alleging the following violations of the terms of supervised release:

1. **New Law Violation (Felonious Assault)** On May 27, 2009, the offender was arrested for two counts of Felonious Assault. These charges are presently pending in Youngstown Municipal Court under case numbers 09CRA1170 and 09CRA1171, respectively.

On November 30, 2009, the Probation Officer issued a supplemental report indicating that the defendant entered a guilty plea in case number 09CR616 to Felonious Assault and Having Weapons under Disability with a firearm specification. Defendant was sentenced to two years for the felonious assault conviction and one year for the weapons under disability convictions, to run

concurrently. Defendant received an additional year of imprisonment for the firearm specification.

The matter was referred to Magistrate Judge George J. Limbert to conduct the appropriate procedures and supervised release revocation hearing, if necessary. A warrant was issued for Mr. Kennedy's arrest. The Defendant was arrested, and a supervised release violation hearing was scheduled for December 22, 2009.

The Defendant appeared before the Magistrate Judge for a violation hearing on December 22, 2009, and was represented by appointed counsel Albert A. Palombaro. The Defendant admitted to the violations as charged in the May 29, 2009 report and the November 30, 2009, supplemental report. The Magistrate Judge has issued a report and recommendation, recommending that the Court find that the Defendant has violated standard and special conditions of his supervised release.

The Court has reviewed the Magistrate's report and recommendation and finds that it is well-supported. The Defendant has admitted violation one as charged in the Probation Office's May 29, 2009, violation report and supplemented by the November 30, 2009, report. As a result, the Court finds that the Defendant has violated the terms of his supervised release.

The Court has considered the statutory maximum sentence of two years pursuant to 18 U.S.C. § 3583(e)(3). The Court has also considered the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines prior to imposing sentence. The guideline range is 18-24 months pursuant to U.S.S.G. § 7B1.4(a).

Furthermore, the Court has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) and 3583(d).

The Court hereby **ADOPTS** the Magistrate's Report and Recommendation. (Dkt. # 24). Based on this Court's review of all relevant factors, the Court hereby orders that the Defendant's supervised release is **TERMINATED**, and the Defendant is sentenced to twenty-four (24) months imprisonment, to be served consecutive to the imprisonment imposed by the Youngstown Municipal Court.

IT IS SO ORDERED.

Issued: January 4, 2010

s/ Peter C. Economus
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE